

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

DANIEL LOZA-RAMIREZ,

Defendant.

8:16CR223

ORDER

This matter is before the court on the motion of J. William Gallup to withdraw as counsel for Daniel Loza-Ramirez (Loza-Ramirez) (Filing No. 38). The court held a hearing on the motion on September 12, 2016. Loza-Ramirez appeared with his counsel, William Gallup. Jose Kleinberg served as an interpreter in the Spanish language by remote telephone hook-up. The United States was represented by Assistant U.S. Attorney John E. Higgins. After an in camera discussion with Loza-Ramirez and Mr. Gallup, the court determined the motion should be granted. Mr. Gallup has the court's permission to withdraw and substitute counsel will be appointed. Mr. Gallup shall refund the full amount of the retainer provided him in this matter forthwith.

William J. Bianco, 2426 South 179th Street, Omaha, NE 68130, (402) 933-2477, is appointed to represent Loza-Ramirez for the balance of these proceedings pursuant to the Criminal Justice Act. Mr. Bianco shall file his appearance in this matter forthwith. The clerk shall provide a copy of this order to Mr. Bianco and to the Federal Public Defender.

Mr. Gallup shall forthwith provide Mr. Bianco with the discovery materials provided the defendant by the government and such other materials obtained by Mr. Gallup which are material to Loza-Ramirez's defense.

In order to provide new counsel adequate time to prepare this case, the pretrial motion deadline will be **extended to October 17, 2016**. The additional **time** arising as a result of this order outweighs the interests of the defendant and the public in a speedy trial. The additional time provided in this order, i.e., the time between **September 12, 2016, and**

October 17, 2016, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

IT IS SO ORDERED.

DATED this 12th day of September, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge